

App. F. IX-4

Previous References

Med 146-22(1-4)

1933

(S+H)

Presence
11/2/46

File No.

193/33

Serial Nos.

1 & 4

Later References

S+H-266-33-(1-2)

Ls 65-34C(1-2)

S+H 595-26(1-2)

D. 3995 (S+H 100/12) (188-3)

GENERAL AND REVENUE SECRETARIAT.

Mil. 232-58, Res. 1-4.

S+H 91-39(1-3)

S+H 270-40(1-2)

CS 71-41-1

Serial Nos.

Part B for

March '34

SUBJECT.

Counting of Duty allowance for purposes
of Pension, Leave & T.A.

Pl 4) To Comptroller & other Rtds of Deptts
X 5378-457 d) 10.3.34 -

Directs that the Duty allowance need not
be taken into account for the purposes of
T. A. etc. -

10/4
15.7.34



Medical 146 of 1932. (G.M. Dy No. 3271)

Subject:- Grant of Duty allowance to the Resident Medical Officer, K.R.R. Hospital, Mysore.

NO. No. Fl. 2400.

Kind reference is invited to the Comptroller's note since received. Under the existing rules, Mr. Seshachalam may draw the duty allowance during the period of his privilege leave also. But as Dr. Prasad has worked, he is entitled to the duty allowance also. Whether, as suggested by the Comptroller some amendment to the rules restricting the grant of such allowances only to the officers actually performing the duties for which they (allowances) are meant has to be made is a general question and may be examined separately.

(Id) S.S.

10-6-1933.

Submitted with a draft letter to the Comptroller enquiring of the practice in British India



For appl.

Fl Secy) 2.8.33.

*Issued
4/8/33*

*No Fl 767 D 8.8.33 to the Comptroller
Calls for the rule and practice in British
India*

*Issued
8.8.33
9*

Next Sheet

Serial
No.

3

From the Comptroller

No. G.A.D. 268 D/3.2.1934
forwards a copy of his letter to
the Accountant General, Madras
and of the latter's reply.

Submitted. From the Madras Account
ant General's reply it is seen that
Under the Fundamental Rules Duty
allowances (termed special pay) are not
drawn by Officers on leave since the
leave salary is based on average
pay or pay and not on special pay,
and that such Duty allowances are
drawn during privilege leave by the
Officers governed by the Civil Service
Regulations (vide note to Art. 32
in C.S.R. Supplement and also note
5 to Art. 267, therein.) who are very few in
number

So the first point for decision is
whether the existing rules may be
allowed to stand or whether they
should be amended so as to
restrict the grant of the Duty
allowance only to the Officer actually
attending to the duties for which
the allowance was meant and
not by the absentee that does
not attend to such duties. If
it is decided to amend the rules
as mentioned above one of the

Serial
No.

the following Courses may be adopted.

1) The General Cases of Duty allowances may be examined with a view to term them as Local allowances when such the said allowance cannot be drawn by the absentee and could be paid only to the Locum Tenens (Art 176 M.S.R.) The Comptroller is not however in favour of ^{this} change in the term though there does not appear to be much objection to this since local allowance may also be given to an officer for duties which do not properly belong to his office or for specially arduous nature of the work (vide note to Art. 32 in C.S.R. Supplement)

2) The Comptroller's suggestion is that the drawing of Duty allowance during Privilege leave by an officer may be made subject to a condition that he has a 'duty lien' on the post to which the allowance is attached and an order should be issued every time whether the officer going on leave

Serial
No.

retains a ~~to~~ duty lien or not. This is what the Comptroller considers to be the practice in British India and suggests its adoption here. It is however doubtful if this is correct for the following reason.

That the officer having ^{his} a 'duty lien' on an appointment or a superior lien thereon is a question of fact and not one of opinion for Govt. to pass orders ~~according~~ as they wish (Art. 134 m.s.R). Accordingly the British Indian ruling is that these allowances (Duty allowances may be drawn by an officer on Privilege leave also subject to general rules which govern the grant of Privilege leave salary. The test is to be applied is whether the officer while on such leave retains a duty lien upon the appointment to which the duty allowance has been attached". As such the Comptroller's suggestion cannot perhaps be easily adopted.

3) Another alternative course is to introduce a rule that

Drawing of Duty Allowance by the absence office.

File No. 193

of 1933.

General and Revenue
Secretariat

Serial
No.

a duty allowance attached to a post shall ~~not~~ be drawn by the Officer actually performing the duties for which the allowance was meant and not ~~be~~ by the absentee who does not attend to the duties. If this is approved necessary amendments and consequential amendments to the General Articles in M.S.R. will be proposed

MW
20.2.34.

Fl Secy) 20/2/34.

Following the present rules in Madras & British India, we may issue an order that 'duty allowance' does not count for pension or to a or leave allowances.

The Council have already agreed to the suggestion that it should not count for pension.

27.2.34

Submitted with a draft order. Whether the ^{duty} allowances drawn up to the date of this order should or should not count for pension or leave allowances ~~may~~

Pension is
granted by the
M.S. at the
time of
retirement
6/5

Counting 2 duty allowance for purposes of pension, leave allowances and T.A.

General and Revenue
Secretariat

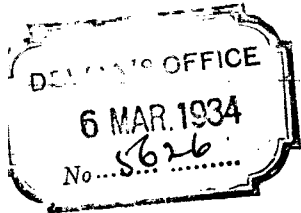
SHA File No.

of 193

380

[App. F. III-2]

Serial
No.



is a point which may be decided
and made clear in the order also.

2.3.34.
5

Dewan)

He Secy) B

The draft may be approved 5/2/34. be
the circulated order

6/8.

Ch Secy)

M
6-8-3-29

B
7-3-34.

For Disposal by Circulation

No. C. 230

8/1933/4.

GENERAL AND REVENUE SECRETARIAT

Council Matter

Subject

Question of amending the Mysore Service Regulations so as not to permit Duty Allowance to be taken into account for purposes of calculating leave, travelling allowance and pension.

Circulated to the Members of Council

By Order,

P. Rajagopal

8th March 1934.

Chief Secretary to Government.

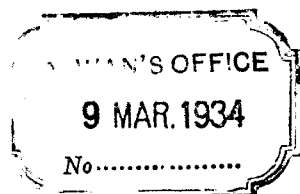
6911 / 8.3.34 First Member of Council

bu 8/3/34

5776 / 9/3 Second Member of Council

SPZ 9/3

Financial Secretary with compliments.



RG 9/3/34

The main question about ^{duty allowance} ~~pension~~ being excluded for pension has been subd. to His Highness & approved in the Budget Forecast Feb. 1934. Therefore perhaps not necessary to put up a S.N. in this case & the draft order already appd will cover

Serial
No.

5720
18/3

of attached
Dewan)

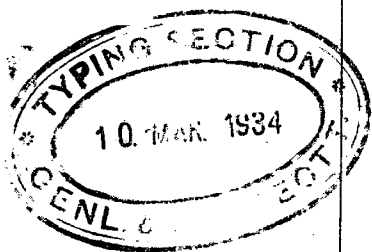
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May issue

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Please issue
to-day.

10/3/34.



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Fe 5378-437 9 10/3/1934

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W

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

FINANCIAL SECRETARIAT,

Bangalore, Dated, 8th August 1933 192...

No. Fl.

767
SRA, 193-33-2

From

The Financial Secretary to the Government of His Highness the Maharaja of Mysore.

To

The Comptroller to Government,
Bangalore.

Sir,

With reference to your unofficial note No.327 G.A.D. dated 15th May 1933 re - the anomaly in the grant of duty allowance both to the absentee and to the officer that actually works, I am directed to request you to kindly ascertain and intimate the rule and practice in British India in the matter of grant of similar allowances.

In such cases where it is not considered necessary to grant the allowance to two officers at a time, the allowance may perhaps be termed a Local Allowance. Your opinion regarding this proposal may also be kindly furnished.

I have the honour to be,

Sir,

Your most obedient servant,

m. Shannappa

for Financial Secretary to Government

8.8.1933

SUBJECT

Section *STA*
File No. *193-33*
Serial No. *2*

Diary No. of letter replied to

No *7c 767*
To *The Comptroller*
Sir

General and Revenue Secretariat

()
the 193

Date of issue *8/8/33*

Signed by *M. J. M.*

*With reference to your
U.O. note no 327 G.A.D. of 15.5.
1933 re. the anomaly in the
grant of duty allowance
both to the absentee and
to the Officer that actually
works, I am directed to
request you to kindly
ascertain and intimate the
rule and practice in
pre British India in
the matter of grant of
such all similar allow-
ances.*

List of enclosures

Copied by *[Signature]*

Examined by

2. In such cases where

it is not considered
necessary to grant the
allowance to ~~the~~ two officers
at a time, the allowance
may perhaps be termed
a local allowance.

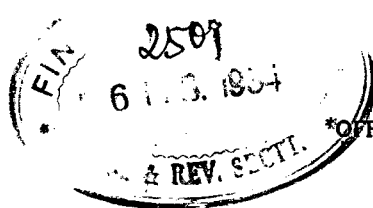
Your opinion regarding
this proposal may ^{also be} kindly
be furnished. ~~also~~

I have etc.

AD 2.8.33

Financial Secretary
2.8.33.

MW
2.8.33

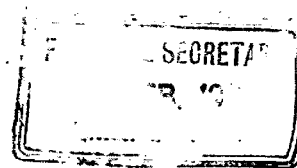


J. V. H. 193-33-3

OFFICE OF THE COMPTROLLER TO THE GOVERNMENT
OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

No. GAD. 268. 2/2.

Bangalore, dated 3rd February 1934.



From

M. VENKATESA IYENGAR, Esq., M.A.,
Comptroller to the Government of
His Highness the Maharaja of Mysore,
Bangalore.

To

S. Shamanna Esq., B.A.,
Financial Secretary to the
Government of Mysore, Bangalore.

Sir,

Adverting to your letter No. Fl.767/S&A. of 8th August 1933 in the matter of the grant of Duty Allowance both to the absentee and to the officer actually on duty, I have the honor to forward herewith copies of this office letter No. 167/GAD. dated 10th November 1933 to the Accountant-General, Madras, in the matter and his reply No. GAD-Genl.60 dated 7th december ¹⁹³³ ~~1930~~ thereto. I am of opinion that it is not desirable to change the term "duty allowance" into "local allowance" as the circumstances under which they are granted are not identical. I would however suggest that the ruling referred to in para 3 of the Accountant-General's letter viz., that the drawing of special pay (duty allowance) during privilege leave is subject to the condition that when officers in enjoyment of a duty allowance proceed on privilege leave a 'duty lien' is retained by them in the posts during such leave, may be advantageously adopted here. If this principle is accepted, it would be necessary to pass orders whenever an officer in receipt of a duty allowance proceeds on leave whether he retains a 'duty lien' on the appointment from which he proceeds on leave.

I have the honor to be,
Sir,
Your most obedient servant,

M. Venkatesa Iyengar
Comptroller.

Letter No. 167/GAD. dated 10th November 1933 from
the Comptroller, Mysore Government, to the Accountant-General,
Madras.

I have the honor to invite your reference to Articles 23 A and 23 C. of the Civil Service Regulations and to request you kindly to inform me whether their application is restricted only to cases of officers placed on special duty for which there are no sanctioned appointments or whether they refer also to cases where duty allowances are specially sanctioned to posts which form part of the sanctioned scale of any department. In Mysore duty allowances have been attached to certain posts included in the sanctioned scale of Departments in consideration of the specially arduous nature of the duties or of increased work or responsibility involved in those posts. The scale being provincial, a doubt has now arisen whether in such cases it would be correct to allow an officer the benefit of Article 172 Mysore Service Regulations corresponding to Article 261 Civil Service Regulations and permit him to draw the duty allowance when he is on privilege leave as also another officer posted to his place. I request the favour of being informed whether in British India, there are instances of duty allowances granted in similar cases and if so, whether in cases of privilege leave, the allowances are permitted to be drawn both by the absentee and by the officer on duty in such posts.

' C O P Y '

Superintendent,
Comptroller's Office

Letter No. GAD-Genl.60 dated 7th December 1933
from the Accountant General, Madras, to the Comptroller, Mysore
Government, Bangalore*

With reference to your letter No. 167/GAD. dated 10th November 1933, I have the honor to state that articles 23-A and 23-B Civil Service Regulations have been omitted in the Fundamental Rules which came into force from 1st January 1933. Under these rules, there are no deputations in India and cases dealt with formerly under the rules regarding deputation in India are met by the creation of temporary posts.

2. There are, however, cases of duty allowances (termed as special pay under the Fundamental Rules) attached to posts included in the sanctioned scale of departments. Under the Fundamental Rules, there is no privilege leave and as leave salary in the case of gazetted officers is regulated on the basis of average pay only, there is no question of drawing special pay as such during leave.

3. As regards officers governed by Civil Service Regulations leave rules, the drawal of special pay during privilege leave is subject to the condition that a duty lien is retained in the posts during such leave - Vide rulings in the Madras Supplement to the Civil Service Regulations (Under Articles 32, 210 (C.S. X dated 5-9-1919), paragraph 5 under 267). But as officers who have elected the Civil Service Regulations leave rules are few, there have been no recent cases of the kind.

" C O P Y "

Superintendent,
Comptroller's Office.

SUBJECT

10 copies

Diary No. of letter replied to

Section *STA*File No. *193-33*Serial No. *24*

General and Revenue Secretariat

()

the 193 .

Proceedings of the Government of
His Highness the Maharaja of Mysore.Date of issue *10/8/1934* 1934

Read—

Signed by *M. N. S.*

May this be—

- (i) printed ?
- (ii) treated as a standing order ?
- (iii) published in the Gazette,
English Part ?
- (iv) translated ?
- (v) placed at the disposal of the press ?
- (vi) published in the Gazette,
Kannada Part ?

Order thereon.—No. *Fl 5378-437.*

Govt. direct that 'duty
(including Reputation Duty Allowance)
allowance' shall not be taken
into account for purposes of calcu-
lating leave & travelling allowances
and pensions.

The provisions in orders to
rule 4, 15 and N.R. to Art 175 and Art
322 (b), M.S.R. will
accordingly be regarded as cancelled

*10 copies
1934*

with effect from date.

W 613
To. *H. Sanyal*
ST2184.
The Comptroller
" Other Heads of Dept.
" Secretaries to Govt
" Compiler, Mysore Gazette

List of Enclosure.

Copied by

Examined by

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS
THE MAHARAJA OF MYSORE.

* * * *

ORDER NO: *7C 5378-437* *for* 193.33-4

Dated, Bangalore, the 10th March 1934.

Government direct that 'duty allowance'

(including deputation, duty allowance) shall not be taken

into account for purposes of calculating leave ^{and} Travelling
allowances and pensions.

The provisions in Articles 26 rules 4 and 5

~~and~~ Note to Article 175 and Article 322(f), Mysore Service

Regulations, will accordingly be regarded as cancelled.

m. Shanmuga

for Financial Secretary to Government.

To

The Comptroller to Government.

9K
10.3.34 " Other Heads of Departments.

" Secretaries to Government.

" Compiler, Mysore Gazette.

S. O.

**Government of his highness the Maharaja
of Mysore.**

FINANCIAL DEPARTMENT.

G. O. No. Fl. 5378-437—S. & A. 193-33-4, dated 10th March 1934.

Duty Allowance.

Directs that — shall not count for leave and travelling allowances and pension.

ORDER No. Fl. 5378-437—S. & A. 193-33-4, DATED BANGALORE,
THE 10TH MARCH 1934.

Government direct that 'Duty Allowance' (including deputation duty allowance) shall not be taken into account for purposes of calculating leave and travelling allowances and pensions.

The provisions in Article 26 Rules 4 and 5, Note to Article 175 and Article 322 (f), Mysore Service Regulations, will accordingly be regarded as cancelled.

S. SHAMANNA,
Secretary to Government,
Financial Department.

To—The Comptroller to Government.
The other Heads of Departments.
The Secretaries to Government.
The Presidents of District Boards and Town and City Municipalities.
The Compiler, *Mysore Gazette*.

Exd.—C. K.

W D 1681—GPB—870—14-3-34